

## **SYNAR REPORT**

### **Introduction**

This report is prepared in response to the Synar requirements in the Substance Abuse and Prevention (SAPT) Block Grant, Goal 8 and Attachment G. The SAPT Block Grant is administered by the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA). The Synar requirements are enforced by SAMHSA's Center for Substance Abuse Prevention (CSAP).

This report presents information on activities conducted in calendar year 2001 for the 2002 SAPT Block Grant Application. It is organized by question contained in the Synar reporting instructions and is presented in the same order as the questions appear in the instructions. Following each question is a response to the individual items contained in the question.

SAPT block grant funds are contingent upon the presence of state laws that forbid any manufacturer, retailer, or distributor of tobacco products to sell tobacco products to any individual under the age of eighteen. Also, these laws must be enforced in such a manner as to reasonably be expected to reduce the extent that tobacco products are available to minors. Synar requirements call for the state to conduct inspections of retail tobacco outlets to determine if youth under the age of 18 can purchase tobacco products. Nevada is required to maintain a buy rate of 20 percent or less with a confidence interval of  $\pm 3$  percentage points. For 2001, the final weighted non-compliance rate presented in the report is 21.2%, which is within the margin of error.

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**QUESTION 1: Describe any changes or additions to the State tobacco statute relating to 42 U.S.C. 300x-26 since the last application. Attach a photocopy of the changes and describe the impact they will have on enforcement of State tobacco law(s).**

### **State Tobacco Legislation**

- **Has there been a change in State tobacco legislation?**

No changes were made in the State's tobacco legislation during the Compliance Progress federal fiscal year (FFY).

- **Did any tobacco-related legislation passed in the previous year go into effect during the Compliance Progress FFY?**

No legislation passed in the previous year, consequently none went into effect during the Compliance Progress FFY.

- **Has any new tobacco-related legislation been introduced but not passed?**

Yes, AB 25 was introduced in the 2001 Session of the Nevada Legislature. The bill would have prohibited a person under age 18 from misrepresenting his or her age to attempt to purchase tobacco. No action was taken on the bill, and as a result, it did not pass.

SB 258 was also introduced. As originally drafted, it would have repealed statewide preemption of local laws that restrict the sale of tobacco products more than the existing state law. The repeal of preemption was eventually eliminated from SB 258. With the repeal of preemption deleted, the bill was passed through the State Senate but did not pass the Assembly.

### **State Regulations**

- **Has there been a change in tobacco-related regulations related to youth access?**

No changes were made in the State's regulations during the Compliance Progress FFY.

### **Local Ordinances**

- **Has there been a change in tobacco-related local (e.g. city or county) ordinances?**

There were no changes in local ordinances during the Compliance Progress FFY.

**QUESTION 2: Describe how the annual report required under 45 C.F.R. 96.130(e) was made public within the State, along with the State Plan as provided in 42 U.S.C. 300x-51.**

The annual report was presented in a hearing on September 21, 2001. Advanced notice of this hearing was placed in various newspapers around the state. Notice of the hearing was also placed in at least four public places as per the Nevada Administrative Procedures Act. The report was sent to members of the Bureau of Alcohol and Drug Abuse Advisory Committee in advance of the September 21, 2001 meeting and was placed on the Bureau's web site at: <http://health2k.state.nv.us/BADA/>

**QUESTION 3: Identify the agency or agencies designated by the Governor for the implementation of the requirements. Identify the State agency responsible for conducting random, unannounced inspections. Identify the State and/or local agency or agencies that are responsible for enforcing the tobacco access law(s) (See 42 U.S.C. 300x-26 and 45 C.F.R. 96.130).**

**Lead Synar Agency**

- **Identify the agency (or agencies) ultimately responsible for the implementation of the requirements specified by the Synar legislation (lead Synar Agency).**

The Nevada Department of Human Resources, State Health Division, Bureau of Alcohol and Drug Abuse (BADA), is ultimately responsible for the implementation of the requirements specified by the Synar legislation.

**Synar Inspections**

- **Identify the agency or agencies responsible for implementation of the Synar inspections.**

The Nevada Attorney General's Office is responsible for the conduct of the Synar inspections.

- **Please identify the agency or agencies that actually conduct the random, unannounced inspections of tobacco outlets.**

The Attorney General's Office conducts the random, unannounced inspections.

**Enforcement Agency**

- **Identify the agency or agencies responsible for the enforcement of State tobacco laws (lead enforcement agency).**

The Attorney General's Office is responsible for the enforcement of State tobacco laws governing the sale of tobacco to minors. Local law enforcement agencies have concurrent authority over the sale of tobacco to minors.

**QUESTION 4: Describe briefly the coordination and collaboration that occurs between your State's Tobacco and Health Office (Association of State and Territorial Health Officials) and Single State Authority for Substance Abuse (NASADAD). Discuss how State efforts to reduce youth access to tobacco relate to other tobacco control and prevention initiatives in your State.**

### **Collaboration With State Prevention Agencies**

- **Please describe the nature of the coordination and collaboration that occur between the agencies providing substance abuse prevention programs funded by the SAPT Block Grant and agencies responsible for implementation of the Synar Regulation.**

As stated above BADA is responsible for the implementation of the Synar regulations in partnership with the Attorney General's Office. BADA is the Single State Agency for the SAPT Block Grant; consequently, there is a great deal of coordination and collaboration between the Bureau and the primary prevention programs funded by the Bureau. Additionally, BADA works with the Centers for Disease Control and Prevention funded Nevada Tobacco Control Project. This project is housed in the State Health Division as is BADA. This year for the first time, the two programs are sharing a staff position that will be housed in BADA and work on tobacco control issues from the substance abuse prevention and treatment perspective. The staff position, a Health Information and Education Officer, will work to improve the coordination of activities regarding youth accessibility to tobacco products and to reduce the overall prevalence of smoking among Nevada residents. A plan for better integration of tobacco issues with substance abuse will be developed. The goals of the Tobacco Control Project are to: prevent the initiation of tobacco use among young people; promote quitting among young people and adults; eliminate nonsmokers' exposure to environmental tobacco smoke; and to identify and eliminate the disparities related to tobacco use and its effects among different population groups.

BADA is also a member of the Nevada Tobacco Prevention Coalition (NTPC) having joined the coalition in 2001. NTPC is a coalition of agencies and individuals determined to fight the high prevalence of tobacco use in Nevada. NTPC is committed to influencing Nevada's decision makers and raising awareness with Nevada citizens on numerous issues of tobacco use and industry marketing. This coalition is also actively involved in coordinating prevention activities with state and community agencies, hospitals, schools, and community-based organizations, and believes that a focus on youth and a tobacco free environment will produce a healthier Nevada.

The Attorney General's Office, in turn, partners with Nevada retailers, school districts and law enforcement agencies in a concerted effort to enforce Synar regulations and to reduce the youth tobacco buy rate in Nevada.

### **Collaboration With State Tobacco Control Initiatives**

- **Describe how State efforts to reduce youth access to tobacco relate to other tobacco control initiatives in your state.**

Please see above.

- **Describe if applicable, the nature of coordination with the agency responsible for tobacco settlement money that is designated for tobacco control.**

There is little or no coordination between the Synar program and the agencies responsible for the tobacco settlement money, but various substance abuse prevention and treatment providers have procured settlement money for tobacco cessation programs.

Four major programs were established by the State of Nevada with the tobacco settlement money. First, the Millennium Scholarship Program, administered by the Office of State Treasurer, provides financial assistance for tuition in one of Nevada's universities or junior colleges. This financial assistance is available to Nevada's high school graduates who have maintained a grade point average of "B" or higher and passed all proficiency exams. Second, senior citizens living below a certain income level are eligible to purchase a prescription insurance plan at shared cost with the state. This prescription insurance subsidy program is administered by the Nevada Department of Human Resources. Third, ten percent of all tobacco settlement proceeds have been allocated to the Public Health Trust Fund to be administered and managed by the Office of the State Treasurer. An eleven-member board of trustees was created by the legislation to provide strategic direction for the expenditure of these funds. This trust fund was established to promote public health and programs for disease or illness prevention, research issues related to public health, and provide direct health care services to children and senior citizens. Finally, the Task Force for *Fund for A Healthy Nevada* was established to: solicit public input; establish a process to evaluate health needs; ensure that tobacco cessation programs are funded; ensure that programs for children, people with disability and senior citizens are funded; ensure that tobacco settlement money is not used to supplant existing methods of funding; and to develop policies for distribution of grants.

**QUESTION 5: In 2-3 pages, list and describe all the State's activities to enforce the State youth access to tobacco law(s) in FFY 2001. Such activities may include statewide and/or targeted enforcement activities.**

### **Synar Inspections and Enforcement**

▪ **Does the State combine Synar inspections with enforcement?**

Yes, the State combines Synar inspections with enforcement.

▪ **Citations: How many citations were issued to merchants and/or clerks. Please indicate whether those citations were civil or criminal and report the number of each. Indicate the dispositions of those citations.**

Two hundred ninety eight (298) citations were issued during the 1,712<sup>1</sup> compliance checks conducted from January 2001 through August 2001. A total of 78 of these 1,712 were not actually conducted because: (1) unsatisfactory conditions (N=53); (2) temporarily closed (N=20); or (3) vending machine malfunction (N=5). All citations were issued to the person who made the sale of tobacco to the under age youth. They are all misdemeanor criminal charges. One of the 298 citations was dismissed because the outlet had been checked recently before and should not have been re-entered at that time.

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<sup>1</sup> The Attorney General's Office conducted 1,634 compliance checks from January to August of 2001 (1,712 – 78 = 1,634).

The dispositions of the 298 citations included 92 fines and 205 deferred fines and one dismissed (Figure 1). Fines were deferred on condition they not commit a similar offense in the next 90 to 120 days.

**Figure 1**  
**Breakdown of the dispositions on the 298 citations**

<b>Range of Fine</b>	<b>Number of Defendants Receiving Fines</b>	<b>Percent of Defendants Receiving Fines</b>
Over \$300	30	10.1%
\$200-299	24	8.1%
\$100-199	35	11.7%
\$1-99	3	1.0%
Deferred Fine	205	68.8%
Dismissed	1	0.3%
Total	298	100.0%

- **Fines: How many fines were issued to merchants? How many fines were issued to clerks?**

All of the above fines were issued to clerks unless the merchant (store owner) personally made the sale of tobacco to the under age youth. None were imposed on merchants. The Attorney General's Office is reviewing in what situations merchants should be charged in addition to the sales clerk involved.

- **Suspension of permits/licenses: Indicate the number of tobacco outlets that had their permits/licenses suspended and the number that had them revoked.**

No outlets had their permits/licenses suspended or revoked.

- **Administrative hearings: How many violators were given hearings? Indicate the dispositions of those hearings?**

All 297 violators were given the right to appear in the local justice court. All pleaded guilty except for a few (less than 10) that did not appear. Warrants for the arrest for those ten individuals have been issued and are outstanding.

- **Warning letters: How many were mailed?**

The Attorney General does not issue warning letters to any over the counter outlets. A total of 52 warning letters were mailed to businesses where vending machines were checked. This letter asks the business to move the machine to an adult only area. This strategy is used at this time because the Attorney General's Office has been successful in persuading businesses to move vending machines to areas not accessible to under age youths. During the next FFY, the Attorney General's Office expects to begin issuing citations to businesses where vending machines are located to prompt them to move the machines to less accessible locations.

- **Congratulatory letters: How many letters were mailed?**

The Attorney General's Office mailed 1,361 congratulatory letters and 364 letters notifying facility owners that an illegal sale occurred at their business. These letters were sent with a copy of the compliance check report completed by the Attorney General's Office investigator at the time of the compliance check.

- **Public listing of violators: How often were names of violators released to the public? How many outlets were listed?**

Names of violators were not released to the public. The names of violators, either the clerk or the store, are available upon request under the public records requirements of Nevada law. The 7-Eleven Corporation made such a public records request and the Attorney General has responded to that request by providing a list of all 7-Eleven Stores in Nevada that sold or did not sell tobacco to youth since January 2001.

### **Tobacco Compliance Checks and Enforcement**

- **Please indicate the agency or organizations involved in enforcement activities and provide an organizational chart of appropriate groups for clarification.**

The Nevada Attorney General's Office is the agency involved in enforcement activities. The staff devoted to this activity include the Tobacco Chief Counsel (one-half time), two investigators (each full time), one management assistant, and eight youths (each part time). Local law enforcement agencies (county sheriffs' offices and city police departments) have concurrent authority to enforce the state law prohibiting the sale of tobacco to minors. The Attorney General's Office does not believe that any of them conducted compliance checks or any enforcement activity during the Compliance Progress FFY. An organizational chart is not included.

- **Describe all youth access to tobacco law enforcement activities (not related to the Synar survey) engaged in by the State.**

A total of 822 enforcement compliance checks were conducted that are not included in the 812 compliance checks included in the Synar Survey Compliance checks. The number of citations issued and letters mailed are included in the answers to other questions above. The Attorney General's Office is making all reasonable efforts to conduct compliance checks on every outlet (over the counter and vending) within the state every year.

- **If enforcement of youth access to tobacco laws is carried out by local law enforcement agencies, provide a detailed summary of local enforcement activities to verify that enforcement is taking place.**

No enforcement of youth access to tobacco laws is carried out by local law enforcement.



## **Strengths and Challenges of Enforcement**

- **Please describe challenges the State has faced in conducting law enforcement activities. In your answer, please address any administrative or legal constraints on regulation and enforcement.**

Until March 2000, the Attorney General's Office received over 80% of the funds used to conduct compliance checks from the U.S. Food and Drug Administration (FDA). When those funds were terminated, the Attorney General's Office had insufficient funds to conduct compliance checks throughout the year. One investigator who resigned in June 2000, was not replaced. The second investigator who remained employed completed the Synar inspections then transferred to a different position within the Attorney General's Office at the end of September 2000.

The Attorney General's Office sought alternative funding. The established funding was \$58,000 from the State General Fund. In addition, BADA supported the activity via an interlocal agreement with the Attorney General's Office. Under those agreements, the Attorney General's Office completed the Synar inspections.

The Attorney General combined all available funds and hired two investigators in January 2001. This funding allowed the staff to continue until June 30, 2001. At the same time, the Attorney General included in the agency's budget request to the 2001 Legislature a proposal to establish the funding level for the tobacco retailer enforcement program at the same level as under the FDA. The Legislature approved that request in SB 586, Section 2, found on the Internet at [http://www.leg.state.nv.us/71st/bills/SB/SB586\\_EN.html](http://www.leg.state.nv.us/71st/bills/SB/SB586_EN.html). Funding from BADA is also continuing to support the inspections. As a result, the Attorney General's Office has sufficient funds to continue at the FDA-funded staff level after July 1, 2001 and through June 30, 2003.

- **Describe the State's strengths in conducting law enforcement activities. Please include a statement that describes the level of public support for inspections and enforcement efforts.**

The Attorney General's Office conducts uniform compliance checks at all tobacco outlets across the State of Nevada. The uniformity assures businesses that they are being treated fairly. The statewide focus assures that all outlets are being checked to guarantee that youths across Nevada benefit and that no outlet or group of outlets perceives they are being targeted. The program is strongly supported by the retail community and public in general. In December 2000, NTPC presented an award to the Chief Tobacco Counsel in charge of this activity for his "Continued Commitment to the Cessation of Tobacco Usage" in Nevada. This shows the support of the community for the activities of the Attorney General.

## **Supporting Activities**

- **Please describe additional activities conducted to support enforcement and compliance with State tobacco access law(s).**

In January 2001, a letter from Attorney General Frankie Sue Del Papa was sent to every outlet that sells tobacco reminding them of the Nevada law prohibiting the sale of tobacco to minors and the penalties under that law. Furthermore, the letter notified the owners that compliance checks would be conducted on a regular basis and of the penalties for selling tobacco to minors.

Nevada statute requires that a written report of each compliance check be mailed to every outlet after the check is completed. A flyer promoting the WE CARD teleconferenced training session was included in the reports mailed before the March 2001, training (described below) and in the reports mailed before the August 2001, training (described below). In addition, the cover letter that accompanies every report encourages on-going training and includes the toll free telephone number for the WE CARD program. Finally, the stores that sell tobacco to the under age youth are sent a copy of the booklet, "Guide to Best Practices," published by the WE CARD program.

### **Merchant Education**

- **Describe merchant education activities conducted by statewide or local community-based coalitions and State agencies.**

In March 2001, the WE CARD program conducted a training program that was teleconferenced to seven sites in Nevada. Over 100 sales staff, store owners, and managers attended the training. The training was promoted with a mailing to all tobacco outlets in Nevada informing them of the training and saying that it was co-sponsored by the Attorney General. In addition, when a citation was issued to a sales staff by an Attorney General's investigator, he would also give the sales staff a flyer describing the training with dates and locations. The investigator would encourage the sales staff to attend. Furthermore, the same flyer was included with the compliance check report that was mailed to each outlet. Also, the Attorney General's Office mailed several copies of the flyer to all Nevada justices of the peace (JPs) who are the judges who hear the cases of illegal sale of tobacco to minors. The JPs were asked to order the clerks to attend the training as a component of the defendant's sentence. Finally, John Albrecht, Chief Tobacco Counsel, attended the training session and answered questions regarding the Attorney General's Office enforcement program. This process was repeated in August of 2001 for another training session. This August training session was also teleconferenced to seven sites and was attended by over fifty sales staff, managers, and store owners.

In the Spring 2001, John Albrecht met with the 7-Eleven franchisee owners in Southern Nevada (Las Vegas area) and Northern Nevada (Reno and Sparks area) to describe the Attorney General's program and answer questions. The owners of 125 to 150 7-Eleven stores were present at those two meetings.

### **Community Education**

- **Describe community education activities conducted by statewide or local community-based coalitions and State agencies.**

A description of all of the Attorney General's Office tobacco retailer activities since 1995 are included on the Attorney General's Office website at <http://ag.state.nv.us/tobacco/freekids.htm>. At the present time there are no other community education activities regarding youth access to tobacco taking place in Nevada that are tied to Synar. Creation of such activities is an area to be addressed by the Health Education and Information Officer position described above.

### **Media Use**

- **Media Use: Describe the media activities conducted by statewide and local community-based coalitions and State agencies.**

The Attorney General's Office issued the following press releases regarding its tobacco retailer enforcement activities: (1) November, 2000, "Tobacco Youth Buy Rate In Nevada Remains Well Below 1995 Level;" (2) February, 2001, "Attorney General's Office Conducts Tobacco Stings" (listing names and addresses of 8 out of 12 stores that refused to sell tobacco to AG's under age youth in checks conducted the day before the release); (3) March, 2001, "Training Will Help Prevent Tobacco Sales to Minors;" (4) March, 2001, "Attorney General's Office Conducts Tobacco Stings in Las Vegas" (listing names and addresses of 11 out of 12 stores that refused to sell tobacco to AG's under age youth in checks conducted the day before the release). All of the above press release are available at the Attorney General's website at <http://ag.state.nv.us/agpress/home.htm>.

### **Community Mobilization**

- **Describe the community mobilization initiatives conducted by statewide and/or local community-bases coalitions and State Agencies.**

Please refer to question 4 above.

**QUESTION 6: The following question pertains to the sampling methodology used by the State to meet the requirements of the Synar Regulation to measure State compliance with youth access to tobacco laws.**

### **Sampling Design Methodology**

- **Has the State's sampling methodology changed from the previous year?**

Yes, there have been two major changes with the State of Nevada's methodology both of which were approved by CSAP on July 23, 2001 (see Appendix D). However, other major changes were made in the processes associated with creating the sample, analyzing the information, and reporting on the results. As presented to CSAP previously, these three responsibilities were transferred from the Attorney General's Office to BADA. Substantial information for responses to Questions 1, 3, 5, and 8 was supplied by the Attorney General's Office and essentially used as submitted.

Regarding the two changes in methodology, first, a more formalized stratified sampling procedure was used to select a representative sample of retail stores in Nevada. Establishments were grouped into three strata by the number of stores per zip code: Group 1 contained zip

codes with more than 60 retail outlets; Group 2 contained zip codes with less than or equal to 60 but more than 20 retail outlets; and Group 3 contained zip codes with less than or equal to 20 retail outlets.

Secondly, all eligible stores in selected zip codes were inspected including new establishments identified by the Attorney General's Office during the course of the study (with the exception of 2 sites with unsatisfactory conditions, and 14 sites that were temporarily closed). Performing Synar compliance checks at all locations in selected zip codes greatly simplified the sampling procedure, but because this was not a simple random sample it complicated the overall statistical method for calculating the minimum adequate sample size as well as the 95% confidence limits. The design effect, calculated from the complete 2001 data set was 1.36.

- **Describe the source(s) used to develop the sampling frame. Please include the following:**
  - **Type of list(s).**
  - **Source(s) of the list(s).**
  - **Name of the list(s).**

The most accurate list of eligible establishments as of January 1, 2001 was used to produce the sample frame. In January of 2001, the list of all identified retail tobacco outlets (master address list) from the end of year 2000 was reviewed by staff from the Nevada State Health Division Bureaus of Health Planning and Statistics and Alcohol and Drug Abuse, and the Attorney General's Office. This list is updated throughout the year as the Attorney General's staff conduct inspections of retail outlets; new outlets are added and ineligible outlets are deleted. The final list of 1,949 stores was separated into the aforementioned strata and then adjusted by the 2001 eligibility rate. Based on the 2001 eligibility rates the estimated total number of eligible outlets for 2001 is 1,894 (Appendix A).

- **In your description of the quality of sampling frame, please answer the following questions.**
  - **Indicate when the sampling frame was last updated:** January 1, 2001.
  - **Indicate how frequently the sampling frame is updated:** This is a running list continually updated by the Attorney General's Office.
  - **Describe the procedures used to ensure that the addresses on the sampling frame are accurate:** Please see the information presented above.
  - **Describe criteria used to determine the accessibility of outlets to youth:** Youths under the age of 21 are prohibited from loitering in gaming areas, taverns, and brothels by Nevada law. Vending machines or over the counter outlets located in these areas were considered inaccessible and were not inspected.
  - **Describe methods used to locate outlets that were not on the sampling frame:** Inspectors would locate new establishments while conducting inspections and add them to the master address list. All newly identified sites were inspected within the selected zip codes.

- **Based on the results obtained from the procedures described above, please provide an estimate of:**
  - **Percent accuracy - the percent of sampling frame that included outlets that actually sell tobacco and had accurate addresses. Please explain how you determined this percentage.** Out of the original 858 establishments selected in the original sample, 206 of these establishments were ineligible. Therefore 76% of the inspected outlets did sell tobacco products  $((1-(206/858)) \times 100 = 76\%)$ .
  - **Percent coverage - the percentage of all tobacco outlets in the State that were actually included in the sampling frame. Please explain how you determined this percentage.** Based on the original sample size of 858, the number of ineligible establishments of 206, and the number of newly identified establishments of 176, the percent coverage of all tobacco outlets that were included in the sampling frame is 79%  $((1-(176/(858-206))) \times 100 = 79\%)$ .
- **Describe the sampling methodology used. Provide a complete, detailed description of all procedures. Please include the following:**
  - **State the type of random sample design used to conduct the Synar survey:** The sampling methodology used was not a simple randomized sample but a more complex stratified sample. As in the past years, zip codes to be surveyed in each stratum were randomly selected, and included enough zip codes to provide a total sample number that was at least equal to the minimum adequate sample size.
  - **Indicate the geographic sampling units:** Zip codes, proportional to size weighing needs, were randomly selected until the minimal number of establishments for each stratum was selected. All known retail outlets that engage in the sale of tobacco products were inspected for each selected zip code.
  - **Indicate whether the outlets in each geographic sampling unit were sorted in any way prior to selection:** All stores were sorted by stratum and random samples were then drawn from each stratum until the sample size requirement was met.
  - **Describe the method used for the random selection of outlets from within each geographic sampling unit.** All retail outlets in selected geographic units were inspected.
  - **Indicate the original sample size, minimum number of required inspections, and final sample size, and explain how they were determined.** The original sample size was 858; a minimum sample size of 725 was necessary to maintain confidence limits of less than  $\pm 3$  percentage points; the final sample size was 812.
  - **Explain how the minimum number of required inspections for the compliance year's survey was determined. Discuss all calculations. Take into account the previous year's completion rate in calculating the compliance year's minimum number of required inspections.** Adding newly identified establishments to selected zip codes has had a positive effect on the sampling methodology. The addition of these sites helped lower our confidence interval even more than the target value of  $\pm 3$  percentage points.

The design effect was estimated to be 1.45. Therefore, in order to obtain a confidence interval of  $\pm 3$  percentage points, the confidence interval calculated as a simple random sample must be no greater than  $\pm 2.07$  percentage points ( $1.45 \times 2.07 = \pm 3$  percentage points). For the confidence interval to be equal to  $\pm 2.07$  percentage points a sample size of 725 would be necessary (if it were a simple random sample). These 725 stores should be distributed proportionally to the three strata based on the estimated adjusted stratum size. Once the desired sample sizes for each stratum was calculated, each stratum was over sampled to account for ineligibility according to the FFY 2000 ineligibility rates. The new stores located in sampled zip codes that were not originally on the master list buffered the  $\pm 3$  percentage points confidence interval and put Nevada well within the required sampling rate.

- **Please include all formulas and calculations used to derive the original sample size:** Please refer to Appendix C.
- **Explain how random numbers were generated and how the start point was determined:** All outlets within each stratum were numbered, this number was then multiplied by a random number of 0 to 1. Finally, the number “1” was added to each number to provide equal probability of drawing the highest and lowest number of each stratum. The resulting numbers were then rounded to the nearest whole number. These numbers were then used to draw random samples from each stratum.
- **If a reserve sample was used, please describe how the sample was selected and how it was implemented:** No reserve sample was used.
- **Please provide a complete tally of non-completed inspections of outlets in the original sample:** All selected establishments were inspected except for two establishments in Reno where unsatisfactory conditions existed, and 14 establishments that were temporarily closed. The supervising inspector concluded that these two establishments were unsafe for minors to enter. For a complete tally on non-eligible establishments see Appendix B.
- **Report the number of outlets that were included in the original sample but found to be ineligible at the time of the survey. Provide the reason the outlet(s) was/were determined to be ineligible. Ineligible outlets are defined as those for which inspections are not expected to be completed for one of the following reasons.**
  - The outlet is out of business
  - The outlet does not sell tobacco products
  - The outlet is located in a place that is inaccessible to youth. Inaccessible outlets include bars or adults-only clubs with an enforced minimum age restriction of 18 or older for entry.

Two hundred and six (206) establishments in the original sample were found ineligible for various reasons (Figure 3). Two establishments in Reno were not inspected because unsatisfactory conditions existed, and 14 establishments were not inspected because they were temporarily closed. One hundred and seventy six new establishments were identified during the course of inspections, therefore, a total of 812 sites were checked ( $858 - 206 - 2 - 14 + 176$

= 812). The following table summarizes the various reasons that sample sites were found ineligible.

\\Figure 3  
Non-completed Inspections

Reason for Non-completion	Numbers of Non-completed Inspections	Percentage of total Non-completed Inspections
<b>Eligible Outlets</b>		
Temporarily closed	14	6.3%
Unsatisfactory Conditions	2	0.9%
<b>Total Eligible Outlets</b>	<b>16</b>	<b>7.2%</b>
<b>Ineligible Outlets</b>		
Does not sell tobacco	49	22.1%
Duplicate*	34	15.3%
Inaccessible to youth	44	19.8%
Out of business	72	32.4%
Tribal	7	3.2%
<b>Total Ineligible Outlets</b>	<b>206</b>	<b>92.8%</b>
<b>Total Non-completed Inspections</b>	<b>222</b>	<b>100%</b>

Notes: \* The outlet had a duplicate entry in the spreadsheet from which sample was drawn.

### Vending Machines

▪ **In your State, are vending machines located in places that are accessible to youth?**

Yes, but very few, as Synar inspectors require that machines in taverns be placed at least 25 feet inside the entrance to the establishment

- **Describe the methods used to locate vending machines:** Through experience, Synar inspectors from the Attorney General's Office know what type of facilities install vending machines for tobacco products, therefore, they add newly identified establishments to the master list continually. This is the same procedure used to identify new over-the-counter establishments. Although the buy rate from machines may be much higher than over-the-counter sales, the percentage of total purchases by minors is very low in Nevada. *The Youth Behavioral Risk Factor Survey* indicates that the tobacco purchases by minors from vending machines declined from 1.8% of total tobacco purchases by minors in 1995 to 0.3% in 1999.
- **Describe how vending machines were selected for the sample:** Vending machine locations were not identified separately from over-the-counter outlets on the sampling frame list. All identified vending machines as well as over-the-counter establishments were inspected for each selected zip code.

- **Describe how sampling probabilities of selection were calculated for vending machines. Please provide calculations.** Vending machine locations were selected using the same methodology as over-the-counter establishments, and were selected at the same time as over-the-counter establishments.
- **Report the calculated ratio of vending machine inspections to over-the-counter inspections.** Eight hundred and twelve over-the-counter establishments and 20 vending machine sites were inspected. This ratio is one vending machine location to 40.6 over-the-counter sites.

**QUESTION 7: The following question pertains to the random sample survey required by Synar Regulation to measure State compliance with youth access to tobacco laws.**

- **Report the complete results of the Synar survey inspections conducted during the Compliance Progress FFY. In the narrative, report the unweighted and weighted retailer violation rate rounded to the nearest tenth of a percentage point.**

The original estimate of total outlet population accessible to youth was 1,949 individual sites. This estimate was adjusted to 1,894 utilizing FFY 2001 eligibility rates. An initial stratified sample was drawn of 858 with a final number of eligible outlets within the sample to be 812. This sample included 176 new establishments identified during the course of the project, and 16 non-completed inspections and 206 ineligible establishments ( $858 + 176 - 16 - 206 = 812$ ); all 812 outlets were inspected.

Group 1 contained zip codes that contained more than 60 zip codes and had a weighted noncompliance rate of 7.5%; the unweighted buy rate was 23.7%. Group 2 was comprised of zip codes with 21 to 60 identified establishments and had a weighted noncompliance rate of 7.4%; the unweighted buy rate was 16.7%. Group 3 contained zip codes with 1 to 20 stores, and had a weighted noncompliance rate of 6.4%; the unweighted buy rate was 25.3%. The total weighted noncompliance rate for the State was 21.2% with an unweighted buy rate of 21.7% (Figure 4 and Appendix A, Form G2). The confidence interval for the weighted retailer violation rate is  $\pm 2.87\%$ .

**Figure 4**  
**Weighted and Unweighted Noncompliance Rates**

<b>Group/Stratum</b>	<b>Outlets Inspected</b>	<b>Outlets in Violation</b>	<b>Unweighted Noncompliance</b>	<b>Weighted Noncompliance</b>
1	287	68	23.7%	7.5%
2	288	48	16.7%	7.4%
3	237	60	25.3%	6.4%
Total	812	176	21.7%	21.2%

- **Complete Form G1 to provide a summary of Synar inspection results by geographic sampling unit.**

Please refer to Appendix A



- **Complete Form G2 if necessary to determine a weighted retailer violation rate that accounts for unequal selection probabilities, uneven completion rates, and/or ineligible outlets in one or more of the geographic sampling units.**

Please refer to Appendix A

- **Complete Form G3 to report the number of inspections (attempted buys) as well as number of violation (successful buys) that occurred by age and gender of youth inspectors.**

Please refer to Appendix A

- **Report the number of eligible outlets in the original sample that were not inspected. Provide the reason the outlets were not inspected.**

Please refer to Appendix A

- **In a narrative, describe the completion rate of the survey and the retailer violation rate.**

One hundred percent of eligible establishments within the sample were inspected (except for the 2 sites with unsatisfactory conditions, and the 14 sites that were temporarily closed) along with all newly identified sites within the selected zip codes. This sampling resulted in a weighted violation rate of 21.2%.

- **Provide an analysis of the statistical effect of the number on non-completed inspections on the calculations for your final result. Explain the effect of the number of ineligible outlets that were found and the number on non-completed inspections of the eligible outlets that occurred.**

All eligible sites were inspected except for the two sites that were deemed unsafe for minors, and the 14 sites that were temporarily closed (unsatisfactory conditions please refer to Figure 3 above). If all 16 of these sites had been inspected, and in a worst-case scenario all had violations, the unweighted violation rate would be 22.7 %; an increase of only 1.2 %. Based on the unweighted noncompliance rate, only three of these non-completed inspections would be expected to have violations.

- **Provide formulas used to calculate standard errors (the formulas should be appropriate to the sample design) and a description of the methods used to arrive at the weighted retailer violation rate.**

Please refer to Appendix A, Form G2.

- **Please discuss all weighting procedures, including those that relate to unequal probabilities of selection and ineligible outlets.**

Every store was given a unique identifier and considered separately during the selection process within each stratum. Once a store was selected, all stores in that zip code were placed

in the sample. Clusters were selected with probability proportional to size. In order to account for this effect, a weight inversely proportional to the probability of the cluster being selected was used in conjunction with rate of inspection (Appendix C).

- **Please indicate the weighted retailer violation rate along with the 95-percent confidence interval calculated with formulas appropriate to the sample design.**

The final retailer violation rate for the FFY 2001 study was 21.2% with a 95% confidence interval of  $\pm 2.87$ -percentage point.

#### **QUESTION 8: Describe the protocol for conducting random, unannounced inspections.**

##### **Changes**

- **Has the State's inspection protocol changed since the previous FFY application?**

The protocol is the same as the previous FFY application except for the following: If the Attorney General's investigator learned or observed that retail outlets in a particular community were notifying each other that compliance checks were being conducted, the investigator conducted only a few compliance checks on a particular day. The investigator then returned to that community a few weeks later to complete the checks in that particular community.

In addition, in all over the counter checks the Attorney General's investigator provided immediate notification to the store clerk. Where the clerk sold tobacco to the under age youth, a citation was immediately issued to the clerk. If a WE CARD training program was scheduled, written information regarding that training program was given to the clerk. Further, if the clerk refused to sell tobacco to underage youth, the AG investigator gave a card containing a congratulatory message from the Attorney General and a small WE CARD lapel pin.

##### **Synar Inspection Timeline**

- **State when the Synar inspections took place. Indicate the start and end dates, whether the dates are different from the previous years, and any other details relevant to the timing of the survey.**

Inspections were initialized in May 2001 and concluded August 1, 2001.

##### **Inspection Protocol, Recruitment and Selection of Youth Inspectors**

- **Describe the methods used to recruit and select youth inspectors and adult supervisors.**

The Attorney General employs eight youth inspectors (four in southern Nevada and four in northern Nevada). They are recruited by various methods including through high school counselors, law enforcement scouting groups, and churches. Only eight may be employed at one time.

The Attorney General employs two full time investigators who supervise these youth in conducting the inspections. The investigators are Nevada POST certified law enforcement officers. The Attorney General advertises in newspapers with general circulation and receives applications from interested persons. The interviews are conducted by the Attorney General's Investigations Division's Chief and the Chief Tobacco Counsel for the Attorney General's Office. A complete criminal background check of the candidate offered the position is conducted.

### **Training of Youth Inspectors and Adult Supervisors**

- **Describe the training format and materials used to train youth inspectors (for example, written materials, verbal instructions, SAMHSA/CSAP video "Teens Taking Action!" role-play scenarios). Specify who conducts the training. Specify the length of the training sessions(s) in terms of number of training hours.**

Prospective teens are first told how compliance checks are conducted and then questioned to assure that they understand the protocol. The youth then accompanies a current employee for up to four hours. During these four hours, the trainee and an experienced youth go into outlets accompanied by an adult investigator. The trainee observes, first hand, the purchase attempts made by the experienced teen.

- **Describe the training format and materials used to train adult supervisors. Specify who conducts the training. Specify the number of training hours. Indicate whether your State has a training curriculum. Please provide your State's curriculum and materials.**

The adult supervisors are Nevada POST certified law enforcement officers with numerous hours of training as law enforcement officers. An experienced investigator describes how compliance checks are conducted and the new investigator is questioned to assure the protocol is understood. Then, the new investigator accompanies the experienced investigator for up to 4 hours observing numerous purchase attempts.

### **Inspection Methodology**

- **Indicate the buy protocol that was used (e.g., consummated, unconsummated, other).**

A youth enters the store immediately after or before the adult supervisor. The youth attempts to purchase a tobacco product such as cigarettes or smokeless tobacco. Generally, females do not attempt to purchase smokeless tobacco. If the clerk asks for photo identification the youth presents his or her own drivers license or instructional permit. The drivers license indicates the true age of the teen and says in the upper right hand corner, MINOR DRIVER UNDER 18. If the youth does not have a drivers license or instructional permit, the youth tells the clerk that he or she does not have photo identification with them. If the clerk asks how old he or she is, the teen tells the truth. The youth leaves the store and the investigator returns and issues a citation to the sales staff. The tobacco purchased is held as evidence. Within a reasonable time period, the Attorney General's Office mails a letter to every store that was inspected reporting the results of the inspections.

- **Describe the procedures for carrying and showing identification. Do the youth inspectors carry identification with them? How are the youth inspectors instructed to respond when asked for identification from sales clerks?**

If the clerk asks for photo identification the youth presents his or her own drivers license or instructional permit. The drivers license indicates the true age of the youth and says in the upper right hand corner, MINOR DRIVER UNDER 18. An instructional permit says "Instructional Permit" across the top and indicates the birth date of the youth. If the teen does not have a drivers license or instructional permit, he/she tells the clerk that they do not have photo identification with them. If the clerk asks how old he or she is, the youth tells the truth.

- **Do the youth inspectors enter outlets alone? Are youth inspectors accompanied by an adult supervisor or law enforcement Officer?**

Youth inspectors do not enter outlets alone, but are accompanied by an adult supervisor whenever possible. If the outlet is so small that the investigator would, in effect, disclose the fact a compliance check is being conducted, the investigator remains outside the outlet. In those situations, the investigator makes every effort to observe the youth from the outside of the outlet.

- **If a law enforcement Officer enters the outlet, does he/she issue a verbal or written warning, or citation, if a violation occurs?**

As described above, the law enforcement officer enters the outlet with the youth. If the youth is able to purchase a tobacco product, the youth and the investigator leave the outlet and go to the vehicle. The teen remains in the vehicle and the investigator returns to the outlet with a citation partially completed. The investigator shows his/her badge to the clerk and asks for the drivers license or other photo identification of the clerk. Upon review of the drivers license or other photo identification of the clerk, the investigator completes the citation and the clerk signs the citation certifying that he or she has received it.

The investigator has the discretion to not issue a citation in any situation. If an investigator chooses to not issue a citation, the investigator will issue a verbal warning to the clerk. In those situations, the supervising attorney requires the investigator to send an e-mail to the supervising attorney within a reasonable time explaining why no citation was issued.

### **Ages of Minors**

- **Indicate the ages of the minors used to conduct the compliance checks.**

Fifteen, sixteen, and seventeen year old minors were used for compliance checks. Inspectors younger than 14 and older than 17 are not used.

### **Compensation of Youth Inspectors and Adult Supervisors**

- **Indicate whether youth inspectors and adult supervisors are compensated (e.g., monetary, refreshments, community service credit) for participating in inspections.**

All youth inspectors and adult supervisors are employees of the Attorney General's Office and are compensated.

### **Data Collection Procedures**

- **Describe the process for recording and tallying survey results.**

The management assistant assigned to the tobacco unit keeps and maintains a database of the stores that are inspected and mails a notice to every store that has been inspected. Computer software has been acquired to maintain the database. It is transferred when complete to BADA for analysis. In addition, the Attorney General's Office is exploring maintaining a database of clerks who have been charged with selling tobacco products to minors to insure that sales staff who sell a second time are charged with selling tobacco to a minor (second offense) and will be fined if determined to be guilty.

### **Legal or Procedural Requirements**

- **Does the state have any specific legal or procedural requirements that address the issue of minor's immunity when conducting inspections? If yes, please describe.**

No grant of immunity need be obtained for the children to participate in tobacco purchases because it is not against the state law for any child to possess tobacco.

- **Does the State have any specific legal or procedural requirements that address the issue of child safety? If, yes, please describe.**

When possible, investigators are required to accompany the youths into the stores where tobacco is sold. In addition, investigators are directed not to conduct an inspection if they observe any law enforcement activity or any activity that may be a threat to the safety of the youth (e.g. illegal drug purchases). Further, the WE CARD congratulatory card and lapel pin are not distributed if there is any possible threat to the safety of the under age youth.

**QUESTION 9: In 2-5 pages, describe the State's plans to achieve the interim target rate for FFY 2002. Ensure the following specific items are addressed in hour description of activities and/or changes that are planned.**

### **Planned Activities for Intended Use FFY 2002**

#### **Sampling Methodology Plans**

- **Does the State anticipate changes in its sampling methodology?**

No sampling methodology changes are planned.

#### **Inspection Protocol Plan**

- **Does the State anticipate changes in its inspection protocol?**

No inspection protocol changes are planned.

### **Legislative Actions and Regulatory Plans**

- **Does the State anticipate changes in legislation or regulations?**

No legislative actions or regulatory changes are planned.

### **Law Enforcement Plans**

- **Indicate whether law enforcement activities described in question 5 will be continued in the Intended Use FFY.**

No new law enforcement activities are planned.

### **Activities that Support Law Enforcement**

#### **Merchant Education Plans**

- **Indicate whether the merchant education activities described in question 5 will be continued in the Intended Use FFY.**

Merchant education activities will continue and no new merchant education activities are planned.

#### **Community Education Plans**

- **Indicate whether the community education activities described in question 5 will be continued in the Intended Use FFY.**

Please refer to Questions 4 and 5 for information on planned activities.

#### **Media Use Plans**

- **Indicate whether the media activities described in question 5 will be continued in the Intended Use FFY.**

It has not been determined if media activities will occur during the year.

#### **Community Mobilization Plans**

- **Indicate whether the community mobilization initiatives described in question 5 will be continued in the Intended use FFY.**

New community mobilization initiatives are planned but details are not yet available because the plan as discussed in Question 4 has not yet been developed.

### **Strengths and Challenges in Complying With Synar Regulation Requirements**

- **Describe the State's strengths in complying with Synar Regulation requirements.**

Please refer to Question 5 above.

- **Describe challenges the State faces in complying with the Synar requirements. Include in the answer any administrative or legal constraints on regulation and enforcement.**

Please refer to Question 5 above.

- **Include in the description of strengths and challenges a statement that describes the level of public support for inspections, enforcement, and any public policy efforts.**

The program is strongly supported by the retail community and public in general as discussed above.